

REMARKS**I. STATUS OF THE PENDING CLAIMS**

Claims 1-25 are pending in this application.

Claims 1-25 stand rejected.

II. REJECTIONS OF CLAIMS 1-25

The rejections of claims 1-25 are under the heading “Claim Rejections - 35 U.S.C. §103.” However, page 2 of the Office Action provides two separate grounds of rejection:

- “Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseley et al. (US 5,602,757) in view of Hays et al. (US 6,330,525)” (Final Office Action, 2); and
- “Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Haseley et al. (US 5,602,757).” (*Id.*, 2).

Rejections Under 35 U.S.C. §102(b)

In rejecting claims for want of novelty or for obviousness, the Examiner must specify each rejected claim and if not apparent, must clearly explain the pertinence of each reference. *See* 37 CFR 1.104(c)(2). The Office Action provides a conclusory rejection of Applicants’ “claims” under 35 U.S.C. §102(b), without specifying the rejected claims, and fails to clearly explain the pertinence of Haseley as an allegedly anticipatory reference. On the contrary, the Office has repeatedly conceded that Haseley “fails to disclose some limitations of claims 1, 17, and 25 and the limitations of claims 14 and 23.” (Final Office Action, 6; *see* Office Action of 1/29/2007, 6).

A rejection of claims as anticipated under 35 U.S.C. §102(b) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one

claim limitation is not disclosed in the reference, the claim is patentable over the reference. As discussed above, the Office Action makes clear that Haseley does not disclose each and every element of Applicants' claims and thus, cannot anticipate Applicants' previously amended claims 1-25.

Therefore, Applicants respectfully submit that the §102(b) rejections of Applicants claims are improper and request that this ground of rejections be withdrawn.

Rejections Under 35 U.S.C. §103(a)

A rejection under 35 U.S.C. §103(a) requires the establishment of a *prima facie* case that the claimed subject matter, including all claim elements, would have been obvious to a person having ordinary skill in the art on the basis of either a single prior art reference or more than one reference properly combined.

Applicants' independent claim 1, as amended in the response filed on May 29, 2007, recites an "automation component further comprising a fingerprint device for **selecting for measurement at least one type of movement of the machine from a plurality of different types of movements of the machine** to generate an electronic fingerprint...." Similarly, independent claims 17 and 25 both recite "selecting, with the automation component, **a set of parameters for measurement from a plurality of parameters** that will uniquely identify a condition of the machine.... the plurality of parameters corresponding to **different types of movements of the at least one component of the machine....**" The Office Action contends that Applicants' claims are unpatentable over Haseley in view of Hays "because it would provide an improved system wherein data may be used to provide maintenance and continuous monitoring of machine health." (Final Office Action, 8). Applicants respectfully disagree.

As discussed above, Haseley fails to disclose each and every limitation of the pending claims. The Office Action incorrectly cites Hays as providing the necessary disclosure to cure the deficiencies of Haseley. Hays does not disclose selecting for measurement at least one type of movement of the machine from a plurality of different types of movements of the machine. Instead, Hays apparently relates only to a single type of machine movement., *e.g.*, rotational movement of a pump. Therefore, one skilled in the art could not possibly arrive at the present invention, as claimed, by combining the disclosures of Haseley and Hays. Nonetheless, in the final Office Action,

Examiner disagrees because Hays discloses that four **secondary curves** or condition signatures which permit confirmation of expected degraded pump components are included in the diagnosis method (Col. 22, lines 37-51), i.e., pressure sensor spectra, velocity and acceleration vibration spectra, bearing forces vs. pump flow rate curve, break hose powder vs. pump flow rate curve. (Office Action, 9) (emphasis added).

Hays defines the term “secondary curves” as to include “the relationships between the dependent pump performance variables, net positive suction head, brake horsepower, pump efficiency, thrust bearing force, radial bearing force, motor torque, pump specific speed, dynamic pressure, net positive suction available, etc. all plotted vs flow, the independent variable.” (Hays, col. 8, lines 51-59). As is defined in Hays, the relationships illustrated by the secondary curves reflect operating conditions of a pump and do not teach or suggest a plurality of different types of movements of a machine, which are different types of motions of the mechanical parts of the machine. The only type of movement, or motion of mechanical parts, reflected by the variables of the secondary curves, as identified in Hays, is rotational motion. Nowhere does Hays describe a plurality of different types of motions of mechanical parts of a machine. Thus, Hays cannot

possibly teach or suggest selecting for measurement at least one type of movement of the machine from a plurality of different types of movements of the machine.

Therefore, Applicants respectfully request that the §103(a) rejections of claims 1-25 be withdrawn.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request withdrawal of the rejections of claims and allowance of this application. In the event that a telephone conference would assist in the examination of this application, Applicants invite the Examiner to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Response to Deposit Account No. 50-3732, Order No. 03869.105001. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 03869.105001.

Respectfully submitted,
King & Spalding, LLP

Dated: November 21, 2007

By:



Wan Chieh Lee
Registration No. 57,297

Customer Number 65989
Correspondence Address:

King & Spalding
1185 Avenue of the Americas
New York, NY 10036-4003
(212) 556-2227 Telephone
(212) 556-2222 Facsimile